

REMARKS

In response to the Office Action dated October 19, 2007, Applicants respectfully request reconsideration based on the above amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claim 7 was objected to and has been amended to correct the item raised by the Examiner.

Claims 1-4, 6-10, 12-17, 19, 20, 22 and 24-25 were rejected under 35 U.S.C. § 103 as being unpatentable over Knight in view of Pea. This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, "the content being broadcast television programming . . . the network element automatically distributing the content to the consumer network in response to the community interest for storing the broadcast television programming on a consumer digital video recorder accessible over the consumer network without interaction from the consumer."

Knight fails to teach content being broadcast television programming or storing broadcast television programming on a consumer digital video recorder accessible over the consumer network without interaction from the consumer. In Knight, a user is directed to newsgroups or message boards based on interests, but Knight is not related to broadcast television programming and storage on a consumer digital video recorder. Pea was relied upon for allegedly disclosing a grid computing platform, but fails to cure the deficiencies of Knight discussed above. Thus, even if Knight and Pea are combined, the features of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Knight in view of Pea. Claims 2-4, 6, 20, 24 and 25 variously depend from claim 1 and are patentable over Knight in view of Pea for at least the reasons advanced with reference to claim 1.

Claims 7, 14 and 22, as amended, recite features similar to those discussed above with reference to claim 1. As discussed above with reference to claim 1, Knight and Pea fail to teach these features and claims 7, 14 and 22 are patentable over Knight in view of Pea for at least the reasons advanced with reference to claim 1. Claims 8-10, 12, 13 and 23 are dependent upon claim 7 and are patentable over Knight in view of Pea for at least

the reasons advanced with reference to claim 7. Claims 15-17 and 19 depend from claim 14 and are patentable over Knight in view of Pea for at least the reasons advanced with reference to claim 7.

Claims 5, 11 and 18 were rejected under 35 U.S.C. § 103 as being unpatentable over Knight in view of Pea and Levinson. This rejection is traversed for the following reasons.

Levinson was relied upon for disclosing billing a consumer upon the consumer accessing content, but fails to cure the deficiencies of Knight and Pea discussed above. Levinson fails to teach content being broadcast television programming and storing broadcast television programming on a consumer digital video recorder accessible over the consumer network without interaction from the consumer. Claims 5, 11 and 18 depend from claims 1, 7 and 14 and are patentable over Knight in view of Pea and Levinson for at least the reasons advanced with reference to claims 1, 7 and 14.

Claim 23 was rejected under 35 U.S.C. § 103 as being unpatentable over Knight in view of Pea and Howe. This rejection is traversed for the following reasons.

Howe was relied upon for disclosing set-top boxes, but fails to cure the deficiencies of Knight and Pea discussed above. Howe fails to teach content being broadcast television programming and storing broadcast television programming on a consumer digital video recorder accessible over the consumer network without interaction from the consumer. Claim 23 depends from claim 7 and is patentable over Knight in view of Pea and Howe for at least the reasons advanced with reference to claim 7.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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